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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/750,695

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Samuel N. Zellner

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04/28/2008

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EXAMINER

NGUYEN, NGA B

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

04/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/750,695	ZELLNER ET AL.	
	Examiner	Art Unit	
	Nga B. Nguyen	3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on February 7, 2008, which paper has been placed of record in the file.
2. Claims 1-23 are pending in this application.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 1-23 have been fully considered but are moot in view of new grounds of rejection.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 13-14 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter, particularly, an abstract idea.

The claims, as presently claimed and best understood were reconsidered in light of the "Examination Guidelines for Computer-Related Inventions" and were found to be non-statutory. Discussion of the analysis of the claims under the guidelines follows.

As to claims 13-14, the claimed invention is implemented as **Non-Functional Descriptive Material Per Se**. "A database" recited in the claims is a Non-Functional descriptive material.

Descriptive material can be characterized as either “functional descriptive material” or “nonfunctional descriptive material.” In this context, “functional descriptive material” consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of “data structure” is “a physical or logical relationship among data elements, designed to support specific data manipulation functions.” The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) **“Nonfunctional descriptive material”** includes but is not limited to music, literary works, and a compilation or ***mere arrangement of data.***

Both types of “descriptive material” are nonstatutory when claimed as descriptive material per se, 33 F.3d at 1360, 31 USPQ2d at 1759.

When nonfunctional descriptive material is recorded on some computer-readable medium, in a computer or on an electromagnetic carrier signal, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. Merely claiming nonfunctional descriptive material, i.e., abstract ideas, stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See >Diamond v.< Diehr, 450 U.S. *>175,< 185-86, 209 USPQ *>1,< 8 (noting that the claims for an algorithm in Benson were unpatentable as abstract ideas because “[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.”).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tannenbaum, U.S. Patent No. 7,254,548.

Regarding to claim 1, Tannenbaum discloses a method for providing control over transactions, comprising:

prompting a primary user to input financial notification data, the financial notification data operable for defining transaction controls associated with a secondary user (*column 5, lines 25-30, the main user can edit the profile for any sub-account; column 6, line 7-column 7, line 43, the main user can log on to the system to edit the main user or sub-users profiles or establish new profiles; when third parties are to be notified, then the names of the third parties and mode of notification can be set*);

receiving and storing the financial notification data (*column 7, lines 37-40, the notification data is stored in database 16 and profile 17*);

receiving data relating to a financial transaction from a point of sale, the data associated with the secondary user (*column 4, lines 10-15, a parent could allow a child*

to have a credit card for the purpose of buying clothes, the child then selects is or her purchases at a location and runs card 11 through the card reader at the point of sale);

retrieving financial notification data related to the financial transaction (*column 4, lines 10-15, the system, via profile 17, database 16, and processor 15, then recognizes that this is a card which is a sub-account card of a main account);*

sending a notification to the point of sale based upon the data relating to the financial transaction (*column 4, lines 15-25, processor 15 enables a communication to the third person identified by profiles 17 via the communication 18, the purchase can only be completed if the third person responds in a positive manner by pushing a button or speaking an acceptance word a set out in the user's profile, the processor 15 then controls the acceptance back to the point of sale);*

wherein the financial notification data specify conditions for issuing a notification to the primary user in response to receiving a request to execute the financial transaction (*column 3, line 60-column 4, line 10, the third parties, such as parents, employers, debt counselors and others, could be notified; the notification can occur for all purchases, or for certain of the purchase by category or by amount; e.g., if the amounts in a category were to exceed a certain amount, a third party as identified in the user's profile, would be required to give specific approval for a particular purchase).*

Regarding to claim 2, Tannenbaum further discloses wherein said financial notification data specify conditions for performing at least one of: approving a request to execute the financial transaction; denying a request to execute the financial transaction;

confirming an identity of the secondary user before approving said financial transaction; and suspending future financial transaction activities of the secondary user (*approving a request to execute the financial transaction, column 4, lines 1-10, a third party as identified in the user's profile, would be required to give specific approval for a particular purchase*).

Regarding to claim 3, Tannenbaum further discloses wherein the financial notification data comprise a spending type, the spending type including at least one of: a type of transaction; a listing of items or services associated with the transaction; a type of merchant; a time of day; a spending or usage limit; and a location type (*column 7, lines 7-20, a listing of items or services associated with the transaction*).

Regarding to claim 4, Tannenbaum further discloses:

presenting a user interface screen with a menu of transaction control items and transaction control rules, the control items organized into, and presented via the user interface as, categories (*figures 2 and 3A, column 5, lines 50-60, the system 20 in which user 200 is utilizing keyboard 22 and computer 23 to access his or her account via communication links 201-1 and 210-2 and public network 24 to web portal 25; the user can obtain account information any time on a category by category basis, or for establishing various account categories, balances and sub-users*);

wherein receiving the financial notification data from the primary user includes receiving one of a user-selected control item, category of control item, and user-defined

control item from the primary user via the user interface screen (*figures 5-7 and column 8, line 45-column 9, line 25*).

Regarding to claim 5, Tannenbaum further discloses wherein the notification to the point of sale and the primary user are presented via at least one of: a point of sale terminal; a transaction receipt; a computer screen; a telephone; postal mail; a messaging application; and an online service (*a point of sale terminal, column 4, lines 10-25*).

Regarding to claim 6, Tannenbaum further discloses wherein the notification to the point of sale comprises at least one of: an account balance; an account shut-off; a denial of a request to execute said financial transaction; a request for an additional authorization code; and a request to check an identification of said secondary user (*a request to check an identification of said secondary user, column 5, lines 5-17*).

Claims 7-12 are written in means that parallel the limitations found in claims 1-6 above, therefore, are rejected by the same rationale.

Regarding to claim 13, Tannenbaum discloses a database for providing control over transactions, the database encoded on a computer-readable medium and storing financial notification data comprising:

an account identification for a primary user and a secondary user, the financial notification data operable for defining transaction controls associated with the secondary user (*column 3, lines 45-50, database 16 storing profiles 17 of main user and sub-user accounts*);

a spending type including at least one of: a type of purchase; a type of merchant; a time of day; and a location type, and wherein said spending type further comprises a spending limit (*a type of purchase, column 6, line 55-column 7, line 7*); and

conditions for issuing a notification to the primary user in response to a request to initiate a financial transaction (*column 3, line 60-column 4, line 10, the third parties, such as parents, employers, debt counselors and others, could be notified; the notification can occur for all purchases, or for certain of the purchase by category or by amount; e.g., if the amounts in a category were to exceed a certain amount, a third party as identified in the user's profile, would be required to give specific approval for a particular purchase*);

wherein, in response to receiving a request to initiate the financial transaction by the secondary user at a point of sale, the account identification from the request is used to retrieve the financial notification data from the database, apply the conditions and the financial notification data to the request, and notify the point of sale and the primary user of the results of the application (*column 4, lines 15-25, processor 15 enables a communication to the third person identified by profiles 17 via the communication 18, the purchase can only be completed if the third person responds in a positive manner by pushing a button or speaking an acceptance word a set out in the user's profile, the processor 15 then controls the acceptance back to the point of sale*).

Regarding to claim 14, Tannenbaum further discloses wherein the financial notification data further specify conditions for performing at least one of: approving a

request to execute the financial transaction; denying a request to execute the financial transaction; confirming an identity of the secondary user before approving said financial transaction; and suspending future financial transaction activities of the secondary user *(approving a request to execute the financial transaction, column 4, lines 1-10, a third party as identified in the user's profile, would be required to give specific approval for a particular purchase)*.

Claims 15-20 are written in computer storage medium that contains the same limitations found in claims 1-6 above, therefore, are rejected by the same rationale.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tannenbaum, U.S. Patent No. 7,254,548.

Regarding to claims 21-23, Tannenbaum does not disclose wherein in the primary user is a merchant. However, Tannenbaum does disclose the third parties, such as parents, employers, debt counselors and ***others***, could be notified *(column 3, line 60-column 4, line 10)*. Moreover, notifying merchant regarding to a transaction is well

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known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Tannenbaum's to include "merchant" in the third parties for notification regarding to the transaction, for the purpose of notifying the merchant in order to enhance the security when executing the transaction involving the sub-user account..

Conclusion

10. Claims **1-23** are rejected.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label
“PROPOSED” or “DRAFT”).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nga B. Nguyen/

Primary Examiner, Art Unit 3692

April 24, 2008